

IN THE UNITED STATES DISTRICT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

WENDELL A. JENIFER,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 106-139
	§	
FLEMING, INGRAM & FLOYD, P.C.,	§	
f/k/a FLEMING BLANCHARD JACKSON	§	CERTIFICATE OF
& DURHAM, P.C.; JOHN FLEMING,	§	DEFENSE COUNSEL
and WILLIAM M. FLEMING,	§	LARRY I. SMITH
	§	REGARDING
Defendants.	§	COMPLIANCE WITH
	§	DUTY TO CONFER

I, Larry I. Smith, Counsel for Defendants John Fleming and the Fleming firm,
declare as follows:

This Certificate is given pursuant to the October 17, 2007 and January 29, 2008
Orders (the “Orders”) and to the directives of Magistrate Judge Barfield made during the
Parties’ February 12, 2008 telephone conference with the Court.

I have conferred in good faith with opposing counsel regarding the subject matter
of the Orders, including, without limitation, in a good faith effort to resolve, to the extent
possible, the disputes and other issues reflected by the Parties’ respective motions in
limine and objections to trial exhibits.

In addition to letters and emails exchanged between the Parties’ respective
counsel and telephone conversations between same not reflected herein, all of which
concerned all or in part in limine, exhibit and other evidentiary issues, the primary good
faith conferrals concerning same in which I have personally participated, all of which

approached an hour or more in length, include, without limitation, the following conferrals:

- A. On August 7, 2007, prior to the August 8 Pretrial Conference for this case, Keith Pittman conferred by telephone with Larry Smith and Jack Long regarding the Parties' trial exhibits.
- B. On August 8, 2007, Brice Ladson, Mitchell Ladson and Keith Pittman conferred in person with Larry Smith and Jack Long regarding trial exhibit issues during the exchange of trial exhibits between the Parties.
- C. On January 14, 2008, prior to the January 15 Pretrial Conference for this case, Brice Ladson, Mitchell Ladson and Keith Pittman conferred in person with Larry Smith regarding motions in limine and trial exhibit issues.
- D. On January 17, 2008, Brice Ladson and Keith Pitman conferred by telephone with Larry Smith regarding motions in limine and trial exhibit issues.
- E. On February 12, 2008, Brice Ladson and Keith Pittman conferred by telephone with Larry Smith and Jack Long regarding motions in limine and trial exhibit issues.

As a result of the aforesaid conferrals between counsel for the Parties, the Parties have come to agreement on several motions in limine and certain exhibit objections. The Parties have not otherwise been able to agree on the remaining unresolved motions and objections and therefore require the Court's assistance in resolving same.

The undersigned certifies as set forth above.

Respectfully submitted this 15th day of February, 2008.

s/ Larry I. Smith, Esq.

Ga. Bar No. 661325

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